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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,824	01/31/2005	Norbert Lobig	2002P12306	4725
24131 7590 11/09/2010 LERNER GREENBERG STEMER LLP P O BOX 2480 HOLLYWOOD, FL 33022-2480				
EXAMINER				
SING, SIMON P				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/522,824

Applicant(s)

LOBIG, NORBERT

Examiner

SIMON SING

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-29 is/are rejected.
- 7) ☒ Claim(s) 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of the Appeal Brief filed on 08/13/2010, PROSECUTION IS HEREBY REOPENED. The new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing at the end of this action.

Claim Objections

2. Claim 22 is objected to because recited limitation "the packet-based exchange" in line 5 lacks antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 12-15, 17, 18, 20 and 22-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bales et al. US 5,182,750 in view of Lamkin et al. US 6,026,290.

3.1 Regarding claims 12 and 22, Bales discloses a switching node 109 (peripheral adapter) in figure 1 for exchanging signaling information between a PRI (PRA) ISDN connection 158 and a local switch 153 (packet oriented exchange), comprising:

processing (setting up or tearing down a call), by the local switch, signaling information (obviously information in the D channel of BRI (BRA) connections 156 or 157 for setting up or tearing down the call) transferred from the PRI ISDN connection 158 out of a plurality of BRI connections 146, 148, 149, 156 and 157;

receiving, by the switching node 109, the signaling information (obviously from the single D channel of the PRI connection) transferred from the PRI ISDN connection 158, and providing BRI connections (multiple D channels in BRI) in accordance with ISDN connection type of the BRI connection;

receiving, by the switching node 109, signaling information (from the multiple D channels of BRI connections), and providing signaling information (in single D channel of PRI) in accordance with the PRI ISDN connection type, wherein the PRI connection is represented by said plurality of BRI connections in the local switch 153 (figure 1;

column 2, lines 67-68; column 3, lines 1-5, 65-68; column 4, lines 1-15; column 9, line 56 - column 10 line 2).

Bales teaches that each ISDN connection (PRI or BRI) has multiple B channels and one D channel (column 2, lines 67-68), and a D channel carries call setup singling information (column 7, lines 4-13; column 10, lines 24-25). Bales fails to explicitly teach adapting, in the switch node 109 (peripheral adapter), signaling information from the PRI connection to the BRI connection, and vice versa.

However, Lamkin teaches multiplexing data between 15 D channel from 15 sets of BRI connections and a single D channel in a PRI connection (column 12, lines 25-37).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Bales reference with the teaching of Lamkin, so that signaling information would have been multiplexed (adapted) between a PRI connection and BRI connections. The motivation for such a modification was to clarify how the signaling information between PRI and BRI were exchanged.

3.2 Regarding claims 13 and 23, as stated above, the modified Bales reference teaches different ISDN BRI connections (156 and 157 in figure 1) by a single connection type (BRI) in the local switch 153 (packet oriented exchange), wherein the connection type of the PRI ISDN connection differs from the single connection type (BRI), by which the different BRI ISDN connections are represented in the local switch 153; exchange signaling information between the PRI and the local switch 153 (via switching node 109

and BRI connections); and adapting the exchanged signaling information the switch node 109 (peripheral adapter) in accordance with difference ISDN connection types (PRI to BRI, or vise versa).

3.3 Regarding claims 14, 15, 20 and 24, it would have been obvious that the switching node maps 15 sets of 2B+1D BRI connection type to the 30B+1D in the PRI connection type(see also Lamkin: column 16, lines 16-28).

3.4 Regarding claims 17, 18 and 26, examiner takes an office notice that it was well known that the 2+B channels and the D (data) in a BRI connection are 2 bearer channels and a data channel.

3.5 Regarding claims 25, Bales teaches connecting BRI connections at a packet-oriented network end (local switch 153) and connecting the PRI connection at an ISDN connection end (switch node 110) (see figure 1).

3.6 Regarding claim 27, the switching node 109 obviously is an Integrated Access Device (IAD) since it is an ISDN (Integrated Service Digital Network) device.

3.7 Regarding claim 28, as stated above, the modified Bales reference teaches converting 30B+1D in PRI connection type to 15 sets of 2B+1D in BRI connection type.

4. Claims 12 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curry et al. US 6,359,880 in view of Lamkin et al. US 6,026,290.

Curry discloses an ISDN PBX 65 (peripheral adapter) in figure 2 for exchanging signaling information between a PRI (PRA) ISDN connection and a gateway 69 (packet oriented exchange), comprising:

processing (from ISDN to IP protocol), by the local switch, signaling information (information in the D channel of BRI (BRA) connections) transferred from the PRI ISDN connection out of a plurality of BRI connections (figure 2; column 11, lines 52-63);

receiving, by the PBX 65, the signaling information (obviously from the single D channel of the PRI connection) transferred from the PRI ISDN connection, and providing BRI connections (multiple D channels in BRI connections) in accordance with ISDN connection type of the BRI connection;

receiving, by the PBX 65, signaling information (obviously from the multiple D channels of BRI connections), and providing signaling information (in single D channel of PRI) in accordance with the PRI ISDN connection type, wherein the PRI connection is represented by said plurality of BRI connections in the gateway 69 (column 12, lines 1-62).

Curry teaches that a D channel carries call signaling information (column 12, lines 55-58). Curry fails to explicitly teach adapting, in the ISDN PBX 65 switch (peripheral adapter), signaling information from the PRI connection to the BRI connection, and vice versa.

However, Lamkin teaches multiplexing data between 15 D channel from 15 sets of BRI connections and a single D channel in a PRI connection (column 12, lines 25-37).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Curry reference with the teaching of Lamkin, so that signaling information would have been multiplexed (adapted) between a PRI connection and BRI connections. The motivation for such a modification was to clarify how the signaling information between PRI and BRI were exchanged.

5. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bales et al. US 5,182,750 in view of Lamkin et al. US 6,026,290 and further in view of Chen et al. US 5,943,408.

Bales teaches an ISDN PRI connection between switching node 109 (peripheral adapter) and switching node 110, but fails to teach using a DSS1 (Digital Subscriber Signaling System No. 1) protocol.

However, Chen teaches using DSS1 protocol in ISDN connections (column 1, lines 28-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Bales reference with the teaching of Chen to use DSS1 protocol. The motivation of such a modification was to clarify which protocol was used for ISDN PRI connection.

6. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bales et al. US 5,182,750 in view of Lamkin et al. US 6,026,290 and further in view of Scoggins et al. US 6,888,839.

Bales teaches an ISDN BRI connection between switching node 109 (peripheral adapter) and local switch 153 (packet oriented exchange), but fails to teach using a H.248 protocol.

However, Scoggins teaches using H.248 protocol in a BRI ISDN connection (column 6, lines 16-19).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Bales reference with the teaching of Scoggins to use H.248 protocol. The motivation of such a modification was to clarify which protocol was used for ISDN PRI connection.

Allowable Subject Matter

7. Claim 29 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments, see The Appeal Brief, filed on 08/13/2010, with respect to the final rejection(s) of claim(s) 12-29 under 35 U.S.C. 103(a) have been fully considered and are persuasive (Note: In the Appeal Brief, applicant keeps quoting page 11 of the specification. However, the specification of this application has only 10 pages and examiner does not know what the applicant referred to). Therefore, the final rejection has been withdrawn.

Conclusion

9. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is 571-272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

/Simon Sing/

Primary Examiner, Art Unit 2614

/Fan Tsang/

Supervisory Patent Examiner, Art Unit 2614